

Scott Parker  
Director of Investigations  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
202-863-5122  
Sparker@gop.com



September 8, 2015

**RE: FREEDOM OF INFORMATION ACT REQUEST  
EPA-HQ-2015-010396**

**VIA CERTIFIED MAIL**

Larry F. Gottesman  
National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

Dear Larry Gottesman:

Pursuant to the request in your September 2, 2015 letter, please allow this correspondence to modify the scope of my request, EPA-HQ-2015-010396, as follows:

Any and all e-mails sent to, or sent by, Betsaida Alcantara (for reference purposes, Ms. Alcantara served as Press Secretary and Deputy Press Secretary for the EPA during the timeframe covered by this request). This request includes any/all official EPA account(s) used by Ms. Alcantara. Additionally, in the event that Ms. Alcantara used private e-mail to conduct official EPA business, this request includes any/all work product sent or received on any such private e-mail account(s).<sup>1</sup> This includes all attachments that were transmitted with any responsive e-mails. The timeframe of this request is from February 1, 2009, through April 30, 2012. The scope of this FOIA request is inclusive of any common variations of the names or terms provided above.

This request concerns e-mails, which are an “electronic format” and as such are within the definition of “record” under the Freedom of Information Act.<sup>2</sup> The EPA’s own guidance states: “Yes, e-mail is subject to the FOIA...”<sup>3</sup>

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<sup>1</sup> Employees have an obligation under the Federal Records Act to ensure that any work product done through private e-mail is recorded and transferred to agency control. *See*, Renee P. Wynn, “Records Management Policy,” The Environmental Protection Agency, 2/10/15, available at [http://www.epa.gov/records/policy/2155/rm\\_policy\\_cio\\_2155-3.pdf](http://www.epa.gov/records/policy/2155/rm_policy_cio_2155-3.pdf) (“In the rare situation when a non-EPA messaging system must be used and a federal record is created or received on a non-EPA messaging system (such as a personal email account or personal mobile device), pursuant to the FRA, staff must either: (1) copy their EPA email account at the time of initial creation or transmission of the record, or (2) forward a complete copy of the record to their EPA email account within 20 days of the original creation or transmission of the record.”).

<sup>2</sup> *See generally*, 5 U.S.C. 552(f)(2)(2006) (“[R]ecord and any other term used in this section in reference to information includes-- (A) any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format.”)<sup>2</sup>

In detailing how to design a record request under the FOIA, the EPA's FOIA regulations state that specific information relating to each record sought should be included "whenever possible," and that such information includes a record's "author," and "recipient."<sup>4</sup> This request has specifically supplied this information for all records sought: Ms. Alcantara is either the author or recipient of each and every record sought. Further, the "time period," another piece of information specifically requested in your initial response, has been stated as Ms. Alcantara's tenure with the EPA.

Although the records' "subject matter" can only be narrowed to Ms. Alcantara's work product, the identification of the relevant time period as well as the format used (e-mail) along with the author or recipient is sufficient to allow the EPA's FOIA officers to locate any responsive records. Please note, the excerpt cited in your correspondence as the basis for stating my original request did not reasonably describe the records sought, does not state all of the criteria must be met, but only when "possible" and "if known."

Thank you for your consideration of this request. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Parker", with a long horizontal flourish extending to the right.

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Director of Investigations  
Republican National Committee  
310 First St. SE  
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<sup>3</sup> "Frequent Questions About E-Mail And Records," available at <http://www.epa.gov/records/faqs/email.htm>.

<sup>4</sup> 40 C.F.R. § 2.102(c).



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

September 2, 2015

OFFICE OF  
ENVIRONMENTAL INFORMATION

Mr. Scott Parker  
Director of Investigations  
Republican National Committee  
310 First Street, SE  
Washington, DC 20003

RE: Request Number: EPA-HQ-2015-010396

Dear Mr. Parker:

This is in response to your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA), in which you asked for any and all e-mails sent to, or sent by, Betsaida Alcantara, Press Secretary and Deputy Press Secretary for the EPA that includes both Ms. Alcantara's official EPA account(s) and all private e-mail account(s) that Ms. Alcantara used to conduct EPA business between the timeframe of February 1, 2009, through April 30, 2012.

Your request does not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them. The EPA's FOIA regulations explain:

"Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request." 40 C.F.R. § 2.102(c).

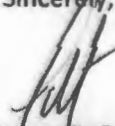
We would like to provide you the opportunity to clarify the records that you are seeking so that EPA can process your request. As indicated in 40 C.F.R. § 2.102(c), please include any specific information about the records you seek, including time period, authors, or a more detailed description of the records' subject matter. Additionally, the FOIA does not require federal agencies to respond to questions so please consider that as you are modifying your request.

If you consider this to be a denial, you may appeal this determination to the National Freedom of Information Office, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460 (U.S. Postal Service only), or E-mail: [foia\\_hq@epa.gov](mailto:foia_hq@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal

must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the request number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions concerning this determination please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in dark ink, appearing to read "Larry F. Gottesman", written over a horizontal line.

Larry F. Gottesman  
National FOIA Officer

Scott Parker  
Director of Investigations  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
202-863-5122  
Sparker@gop.com

August 27, 2015

**RE: FREEDOM OF INFORMATION ACT REQUEST**

**VIA U.S. POSTAL SERVICE**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

Dear FOIA Officer:

This is a request under the Freedom of Information Act. The records I request can be described as follows:

Any and all e-mails sent to, or sent by, Betsaida Alcantara, Press Secretary and Deputy Press Secretary for the Environmental Protection Agency ("EPA"). This includes both Ms. Alcantara's official EPA account(s) and all private e-mail account(s) that Ms. Alcantara used to conduct EPA business. This includes all attachments that were transmitted with any responsive e-mails.

The timeframe of this request is from February 1, 2009, through April 30, 2012. The scope of this FOIA request is inclusive of any common variations of the names or terms provided above.

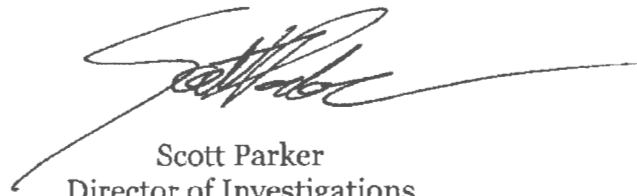
In order to help you determine my status to assess fees, you should know that I am requesting on behalf of the Republican National Committee (RNC) and this information is not primarily in the commercial interest of the RNC.

I am willing to pay fees for this request up to a maximum of \$25. If you estimate that the fees will exceed this limit, please inform me first. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the operations of the Environmental Protection Agency.

Where exemptions to the Freedom of Information Act are discretionary, I ask you not withhold such records, even if they might qualify for withholding under the law. If you withhold any records as exempt, please redact the exempted portions and release the remainder of the records. In any case where you withhold any records, please explain in writing any such denial. Please release all reasonably segregable material.

Thank you for your consideration of this request. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Parker', with a long horizontal flourish extending to the right.

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Republican  
National  
Committee

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™



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U.S. POSTAGE PITNEY BOWES



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Larry F. Gottesman  
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U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

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